

# HOUSE BILL 928

D5, C8

1lr2466

---

By: **Delegate McMillan**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Housing – Discrimination Based on Source of Income – Prohibitions**

3 FOR the purpose of altering the housing policy of the State to provide for fair housing  
4 to all citizens regardless of source of income; prohibiting a person from refusing  
5 to sell or rent a dwelling to any person because of source of income; prohibiting  
6 a person from discriminating against any person in the terms, conditions, or  
7 privileges of sale or rental of a dwelling because of source of income; prohibiting  
8 a person from making, printing, or publishing certain types of materials with  
9 respect to the sale or rental of a dwelling that indicate a preference, limitation,  
10 or discrimination on the basis of source of income; prohibiting a person from  
11 falsely representing that a dwelling is not available for inspection, sale, or  
12 rental based on source of income; prohibiting a person from, for profit, inducing  
13 or attempting to induce a person to sell or rent a dwelling by making certain  
14 representations relating to the entry or prospective entry into the neighborhood  
15 of a person of a particular source of income; prohibiting a person whose business  
16 includes engaging in residential real estate transactions from discriminating  
17 against any person in making available a transaction, or in the terms or  
18 conditions of a transaction, because of source of income; prohibiting a person,  
19 based on source of income, from denying a person access to or membership or  
20 participation in a service, organization, or facility relating to the business of  
21 selling or renting dwellings, or to discriminate against a person in the terms or  
22 conditions of membership; prohibiting a person from, by force or threat of force,  
23 willfully injuring, intimidating, or interfering with any person because of source  
24 of income and because the person is negotiating for the sale or rental of any  
25 dwelling or participating in any service relating to the business of selling or  
26 renting dwellings; altering a certain definition; defining a certain term; defining  
27 a certain term as it applies to rental transactions; and generally relating to  
28 prohibitions against discrimination in housing based on source of income.

29 BY repealing and reenacting, without amendments,  
30 Article – State Government

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 20–701(a)  
2 Annotated Code of Maryland  
3 (2009 Replacement Volume and 2010 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article – State Government  
6 Section 20–701(c), 20–702(a), 20–705, 20–707, and 20–1103  
7 Annotated Code of Maryland  
8 (2009 Replacement Volume and 2010 Supplement)

9 BY adding to  
10 Article – State Government  
11 Section 20–701(j)  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – State Government**

17 20–701.

18 (a) In this subtitle the following words have the meanings indicated.

19 (c) (1) “Discriminatory housing practice” means an act that is prohibited  
20 under § 20–705, § 20–706, § 20–707, or § 20–708 of this subtitle.

21 (2) **“DISCRIMINATORY HOUSING PRACTICE” DOES NOT INCLUDE**  
22 **MAKING A WRITTEN OR AN ORAL INQUIRY TO VERIFY A PERSON’S LEVEL OR**  
23 **SOURCE OF INCOME.**

24 (j) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, “SOURCE**  
25 **OF INCOME” MEANS ANY LAWFUL, VERIFIABLE SOURCE OF MONEY PAID TO A**  
26 **PERSON, INCLUDING:**

27 (i) **A SALARY FROM ANY LAWFUL PROFESSION OR**  
28 **OCCUPATION; AND**

29 (ii) **ANY INHERITANCE, PENSION, ANNUITY, ALIMONY,**  
30 **CHILD SUPPORT, OR DIRECT PAYMENT BENEFIT.**

31 (2) (i) **IN A RENTAL TRANSACTION, “SOURCE OF INCOME”**  
32 **MEANS ANY LAWFUL, VERIFIABLE SOURCE OF MONEY PAID DIRECTLY TO A**  
33 **TENANT OR A REPRESENTATIVE OF A TENANT.**

1                   **(II) FOR THE PURPOSES OF THIS PARAGRAPH, A LANDLORD**  
2 **IS NOT A REPRESENTATIVE OF A TENANT.**

3 20–702.

4           (a) It is the policy of the State:

5                   (1) to provide for fair housing throughout the State to all, regardless of  
6 race, color, religion, sex, familial status, national origin, marital status, sexual  
7 orientation, [or] disability, **OR SOURCE OF INCOME**; and

8                   (2) to that end, to prohibit discriminatory practices with respect to  
9 residential housing by any person, in order to protect and insure the peace, health,  
10 safety, prosperity, and general welfare of all.

11 20–705.

12           Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

13                   (1) refuse to sell or rent after the making of a bona fide offer, refuse to  
14 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to  
15 any person because of race, color, religion, sex, disability, marital status, familial  
16 status, sexual orientation, [or] national origin, **OR SOURCE OF INCOME**;

17                   (2) discriminate against any person in the terms, conditions, or  
18 privileges of the sale or rental of a dwelling, or in the provision of services or facilities  
19 in connection with the sale or rental of a dwelling, because of race, color, religion, sex,  
20 disability, marital status, familial status, sexual orientation, [or] national origin, **OR**  
21 **SOURCE OF INCOME**;

22                   (3) make, print, or publish, or cause to be made, printed, or published,  
23 any notice, statement, or advertisement with respect to the sale or rental of a dwelling  
24 that indicates any preference, limitation, or discrimination based on race, color,  
25 religion, sex, disability, marital status, familial status, sexual orientation, [or]  
26 national origin, **OR SOURCE OF INCOME**, or an intention to make any preference,  
27 limitation, or discrimination;

28                   (4) represent to any person, because of race, color, religion, sex,  
29 disability, marital status, familial status, sexual orientation, [or] national origin, **OR**  
30 **SOURCE OF INCOME**, that any dwelling is not available for inspection, sale, or rental  
31 when the dwelling is available; or

32                   (5) for profit, induce or attempt to induce any person to sell or rent  
33 any dwelling by representations regarding the entry or prospective entry into the  
34 neighborhood of a person of a particular race, color, religion, sex, disability, marital  
35 status, familial status, sexual orientation, [or] national origin, **OR SOURCE OF**  
36 **INCOME**.

1 20–707.

2 (a) In this section, “residential real estate–related transaction” means:

3 (1) the making or purchasing of loans or providing other financial  
4 assistance:

5 (i) for purchasing, constructing, improving, repairing, or  
6 maintaining a dwelling; or

7 (ii) secured by residential real estate; or

8 (2) the selling, brokering, or appraising of residential real property.

9 (b) (1) A person whose business includes engaging in residential real  
10 estate–related transactions may not discriminate against any person in making  
11 available a transaction, or in the terms or conditions of a transaction, because of race,  
12 color, religion, sex, disability, marital status, familial status, sexual orientation, [or]  
13 national origin, **OR SOURCE OF INCOME.**

14 (2) Paragraph (1) of this subsection does not prohibit a person engaged  
15 in the business of furnishing appraisals of real property from taking into consideration  
16 factors other than race, color, religion, sex, disability, marital status, familial status,  
17 sexual orientation, [or] national origin, **OR SOURCE OF INCOME.**

18 (c) A person may not, because of race, color, religion, sex, disability, marital  
19 status, familial status, sexual orientation, [or] national origin, **OR SOURCE OF**  
20 **INCOME:**

21 (1) deny a person access to, or membership or participation in, a  
22 multiple–listing service, real estate brokers’ organization, or other service,  
23 organization, or facility relating to the business of selling or renting dwellings; or

24 (2) discriminate against a person in the terms or conditions of  
25 membership or participation.

26 20–1103.

27 (a) In this section, “disability”, “dwelling”, “familial status”, “marital status”,  
28 [and] “rent”, **AND “SOURCE OF INCOME”** have the meanings stated in § 20–701 of  
29 this title.

30 (b) Whether or not acting under color of law, a person may not, by force or  
31 threat of force, willfully injure, intimidate, interfere with, or attempt to injure,  
32 intimidate, or interfere with:

1 (1) any person because of race, color, religion, sex, disability, marital  
2 status, familial status, sexual orientation, [or] national origin, **OR SOURCE OF**  
3 **INCOME** and because the person is or has been:

4 (i) selling, purchasing, renting, financing, occupying, or  
5 contracting or negotiating for the sale, purchase, rental, financing, or occupation of  
6 any dwelling; or

7 (ii) applying for or participating in any service, organization, or  
8 facility relating to the business of selling or renting dwellings;

9 (2) any person because the person is or has been, or in order to  
10 intimidate the person or any other person or any class of persons from:

11 (i) participating, without discrimination on account of race,  
12 color, religion, sex, disability, marital status, familial status, sexual orientation, [or]  
13 national origin, **OR SOURCE OF INCOME**, in any of the activities, services,  
14 organizations, or facilities described in item (1) of this subsection; or

15 (ii) affording another person or class of persons the opportunity  
16 or protection to participate in any of the activities, services, organizations, or facilities  
17 described in item (1) of this subsection; or

18 (3) any person because the person is or has been, or in order to  
19 discourage the person or any other person from:

20 (i) lawfully aiding or encouraging other persons to participate,  
21 without discrimination on account of race, color, religion, sex, disability, marital  
22 status, familial status, sexual orientation, [or] national origin, **OR SOURCE OF**  
23 **INCOME**, in any of the activities, services, organizations, or facilities described in item  
24 (1) of this subsection; or

25 (ii) participating lawfully in speech or peaceful assembly  
26 opposing any denial of the opportunity to participate in any of the activities, services,  
27 organizations, or facilities described in item (1) of this subsection.

28 (c) A person who violates this section is guilty of a misdemeanor and on  
29 conviction is subject to:

30 (1) imprisonment not exceeding 1 year or a fine not exceeding \$1,000  
31 or both;

32 (2) if the violation results in bodily injury, imprisonment not  
33 exceeding 10 years or a fine not exceeding \$10,000 or both; or

34 (3) if the violation results in death, imprisonment not exceeding life.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    October 1, 2011.